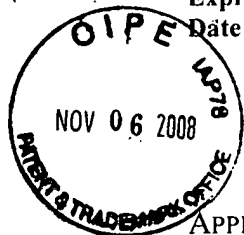


11-07-08

gfw



Express Mail Label No.: EV869902219US

Date of Deposit: November 6, 2008

Attorney Docket No. 20363-013 NATL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kaelin, *et al.*
SERIAL NUMBER: 10/533,839 EXAMINER : Kevin Hill, Ph.D.
FILING DATE: March 14, 2006 ART UNIT : 1633
FOR: In Vivo Imaging of E2F-Regulated Bioluminescent Proteins

Mail Stop Sequence

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following:

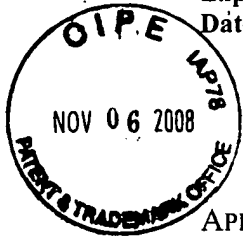
1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (1 page);
2. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (3 pages);
3. Preliminary Amendment (4 pages)
4. Sequence Listing: Paper Copy (3 pages);
5. Computer Readable Form Submission (1 disk);
6. Statement in Support of Computer Readable Form Submission (1 page); and
7. Return Postcard.

The Commissioner is authorized to charge any fees that may be due to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 20363-013 NATL. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Cynthia A. Kozakiewicz, Reg. No. 42,764
Attorneys for Applicants
c/o MINTZ, LEVIN
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer no.: 30623

Date: November 6, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kaelin, *et al.*
SERIAL NUMBER: 10/533,839 EXAMINER : Kevin Hill, Ph.D.
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1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (1 page);
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Express Mail Label No.: EV869902219US
Date of Deposit: November 6, 2008

Attorney Docket No. 20363-013 NATL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kaelin et al.
SERIAL NUMBER: 10/533,839 EXAMINER: Hill, Kevin Kai
FILING DATE: March 14, 2006 ART UNIT: 1633
FOR: IN VIVO IMAGING OF E2F-REGULATED BIOLUMINESCENT PROTEINS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO COMPLY

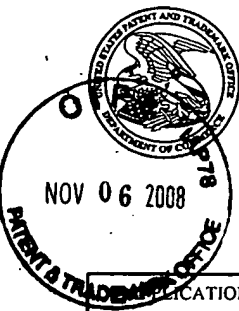
In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (the "Notice") mailed October 24, 2008, Applicant submits herein a substitute computer readable form (CRF) copy of the "Sequence Listing", a substitute paper copy of the "Sequence Listing", a Statement in Support of Computer Readable Form Submission, a Preliminary Amendment, and a copy of the Notice. This response is due on or before November 24, 2008.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20363-013 NATL.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Cynthia A. Kozakiewicz, Reg. No. 42,764
Attorneys for Applicants
c/o MNTZ, LEVIN
Tel: (617) 542-6000
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Customer No. 30623

Date: November 6, 2008



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,839	03/14/2006	William G. Kaelin JR.	20363-013 NATL	8237

Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky, and Pepeo
One Financial Center
Boston, MA 02111

7590 10/24/2008

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OCT 27 2008

**MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT.**

EXAMINER

HILL, KEVIN KAI

ART UNIT PAPER NUMBER

1633

MAIL DATE DELIVERY MODE

10/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Done By	CM
<input checked="" type="checkbox"/> Serial Entry	
<input checked="" type="checkbox"/> Docket Entry	11/24/08
<input type="checkbox"/> Docket Cross Ref	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Fee	
<input type="checkbox"/> ELITE	4/24/09
<input type="checkbox"/> Annuitants	FIN



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO. /CONTROL NO. 10533839	FILING DATE 3/14/2006	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION KAELIN, WILLIAM G.	ATTORNEY DOCKET NO. 20363-013 NATL
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EXAMINER KEVIN K. HILL

ART UNIT 1633	PAPER 20081021
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/efc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313 1450
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Kevin K. Hill, Ph.D at telephone number (571)272-8036. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph T. Woitach, can be reached on Monday through Friday, between 9:00am and 6:00pm, EST.

/Q. JANICE LI, M.D./
Primary Examiner, Art Unit 1633



Notice to Comply

Application No.

10/533839

Examiner

Kevin K. Hill, Ph.D.

Applicant(s)

Kaelin et al

Art Unit

1633

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Applicant has filed a CRF for Sequence Listing on September 17, 2008, which has been deemed defective. SEQ ID NO:3 comprises "n", wherein "n" is absent or is any one or more nucleotides. However, "n" is invalid because "n" can only represent a single nucleotide. Variable length is not permitted. Please indicate the maximum number of n's, and state that some may be missing. This error also occurs in subsequent sequences.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951

For CRF Submission Help, call (571) 272-2510

PatentIn Software Program Support

Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845

PatentIn Software is Available At www.USPTO.gov

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